

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CR-235-BO

UNITED STATES OF AMERICA

v.

DONTE HINNANT.,
Defendant.

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ORDER

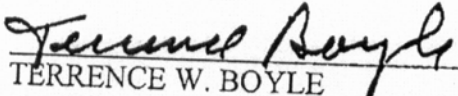
This matter is before the court on defendant's motion for extension of time to respond, to appoint counsel, and for copies of this sentencing transcript. [DE 68]. For the following reasons, defendant's motion for extension of time is granted and his other motions are denied.

First, defendant's motion for copies is denied. "[T]he Fourth Circuit requires indigent defendants to show a 'particularized need'" for requested documents prior to their being provided at government expense. *United States v. Holloman*, 2013 U.S. Dist. LEXIS 99748, *3 (E.D.N.C. Jul. 17, 2013); *see also* 28 U.S.C. § 753(f) (United States shall pay the fee for transcript where action under § 2255 has been certified not to be frivolous). An indigent defendant is not entitled to a transcript at government expense in order to "merely [] comb the record in the hope of discovering some flaw." *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963). Stanley has not provided any justification to receive the requested documents at government expense other than his intent to respond to the government's motion. Accordingly, in the absence of any demonstration otherwise, his motion requesting copies of court documents without payment must be denied.

Second, there is no general right to appointed habeas counsel. *Pennsylvania v. Farley*, 481 U.S. 551, 555 (1990). However, counsel may be appointed in a § 2255 proceeding if the Court "determines that the interests of justice so require." 18 U.S.C. § 3006(a)(2) (2005). Defendant argues only that he cannot afford a lawyer to copursue the current attack on his sentence; that alone does not require appointment of counsel in his case. Therefore, his motion to appoint counsel is denied.

For good cause shown, defendant is granted 45 days from the date of entry of this order to file his response.

SO ORDERED, this 7 day of April, 2018.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE